

### Notice of Allowability

Application No.

09/900,555

Applicant(s)

AUSICH ET AL.

Examiner

Patricia A Patten

Art Unit

1654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/13/04.
2. ☒ The allowed claim(s) is/are 3-6,8,9,11,13,14 and 16.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/10/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3/11/04.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

Claims 1-15 are pending in the application.

***Examiner's Amendment***

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, It MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment with regard to claim amendments was given in a telephone interview with Attorney Kent Herink on 3/11/04.

IN THE CLAIMS:

Cancel claims 1, 2, 7, 10, 12 and 15.

Replace claim 1 with:

-- 16. A method for extraction of a proteinase inhibitor from raw potato tubers comprising the steps of:

(a) preparing an alcohol-free extraction solution by adding to water, an organic acid in an amount to provide a concentration between about 0.5 weight percent and about 2.5 weight percent, and adding a salt to the water in an amount to provide between about 0.3 and 2.0 normality with regard to the salt;

(b) adding the raw potato tubers to the extraction solution in a weight ratio of between about 1:1 and about 1:10 extraction solution of raw potato tubers ;

( c) comminuting the raw potato tubers in the extraction solution to reduce the mean particle size of the plant material to between about 100 microns and about 1500 microns thereby creating a slurry containing a liquid and a solid fraction; and

(d) recovering said liquid fraction from said slurry to obtain a proteinase inhibitor.

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Claims 3 and 4, replace 'claim 1' with – claim 16 –.

Claim 5 replace 'plant material' with – raw potato tubers – and replace 'claim 1' with -- claim 16--.

Claim 8, replace 'claim 7' with – claim 16 --.

Claim 11, replace 'claim 1' with – claim 16 --.

Claim 13, replace 'claim 12' with – claim 6--.

claim 14 replace 'claim 12' with – claim 5 --.

Claims 3-6, 8-9, 11, 13, 14 and 16 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A Patten whose telephone number is (571) 272-0968. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia A Patten  
Examiner  
Art Unit 1654

03/08/04

